

STANDARDS PRESENTATION
TO
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Attachment No. 1

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PROPOSED STATE STANDARD,
TITLE 8, CHAPTER 4

Adopt Section 5148 to read:

§5148. Sanitation and Cleanliness. Prohibition of Smoking in the Workplace.

(a) No employer shall knowingly or intentionally permit, and no person shall engage in, the smoking of tobacco products in an enclosed space at a place of employment.

(b) For purposes of this section, an employer who permits any nonemployee access to his or her place of employment on a regular basis has not acted knowingly or intentionally if he or she has taken the following reasonable steps to prevent smoking by a nonemployee:

(1) Posted clear and prominent signs, as follows:

(A) Where smoking is prohibited throughout the building or structure, a sign stating "No smoking" shall be posted at each entrance to the building or structure.

(B) Where smoking is permitted in designated areas of the building or structure, a sign stating "Smoking is prohibited except in designated areas" shall be posted at each entrance to the building or structure.

(2) Has requested, when appropriate, that a nonemployee who is smoking refrain from smoking in the enclosed workplace. For purposes of this subsection, "reasonable steps" does not include

(A) the physical ejection of a nonemployee from the place of employment or (B) any requirement for making a request to a nonemployee to refrain from smoking, under circumstances involving a risk of physical harm to the employer or any employee.

(c) For purposes of this section, "place of employment" does not include any of the places of employment listed in Labor Code section 6404.5, subsections (d)(1) through (d)(6), and (d)(9) through (d)(14).

NOTE: Authority and reference cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 6404.5, Labor Code.